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Permit No.: WA-005207-8
Issuance Date: July 21, 2005
Effective Date: September 1, 2005
Expiration Date: August 31, 2010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-005207-8

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
CENTRAL REGION OFFICE
YAKIMA, WASHINGTON 98902

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

DARIGOLD INC., D.B.A. WESTFARM FOODS
PO BOX 79007
SEATTLE, WA 98119

<u>Facility Location</u> : 400 Alexander Rd. Sunnyside, WA 98944	<u>Receiving Water for Outfall 001</u> : Joint Drain 33.4
<u>Discharge Location – Outfall #001 to Joint Drain 33.4</u> : Latitude: 46° 18' 05" N Longitude: 120° 01' 08" W	<u>Discharge Location – Outfall #002 to Port of Sunnyside Industrial Wastewater Treatment Facility</u> : Latitude: 46° 18' 01" N Longitude: 120° 01' 03" W
<u>Discharge Location – Outfall #003 designated in the Operating and Maintenance Manual, Appendix B</u>	
<u>Industry Type</u> : Powdered Milk and Cheese Plant	

is authorized to discharge in accordance with the special and general conditions which follow.

G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program
Central Region Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S1.C.	Outfall 3 Locations	1/permit cycle	December 1, 2005
S3.A.	Discharge Monitoring Report	Monthly	October 15, 2005
S3.E.	Noncompliance Notification	As necessary	As necessary
S4.A.	Operations and Maintenance Manual Update or Review Confirmation Letter	Annually	March 1, 2006
S4.B.1.	O&M Manual Updated Appendix A	As necessary	As necessary
S4.B.2.	O&M Manual Updated Appendix B	As necessary	December 1, 2005
S4.B.3.	O&M Manual Updated Appendix C	As necessary	March 1, 2006
S4.C.	Reporting Bypasses	As necessary	As necessary
S6.A.	Scope of Work for Engineering Report	1/permit cycle	March 1, 2006
S6.A.	Sampling and Analysis Plan	As necessary	As necessary
S6.A.	Receiving Water Study	As necessary	As necessary
S6.B.	Draft Engineering Report	1/permit cycle	March 1, 2008
S6.C.	Final Engineering Report	1/permit cycle	September 1, 2008
S6.D.	Engineering Plans and Specifications	1/permit cycle	May 1, 2009
S6.E.	Implementation Notification	1/permit cycle	May 31, 2010
S7.	Spill And Slug Discharge Prevention And Control Plan	1/permit cycle, updates submitted as necessary	March 1, 2006
G1.	Signature Authorization/Delegation	As necessary	As necessary
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	As necessary
G5.	Engineering Report for Construction or Modification Activities	As necessary	As necessary
G7.	Application for Permit Renewal	1/permit cycle	August 31, 2009
G8.	Notice of Permit Transfer	As necessary	As necessary
G21.	Reporting Anticipated Non-compliance	As necessary	As necessary
G22.	Reporting Other Information	As necessary	As necessary

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. All discharges of wastewater, process water, and product to the State's surface water and/or ground water are prohibited, unless specifically authorized by this permit. All discharges of wastewater, process water, and product that have the potential to enter the State's surface water and/or ground water are also prohibited, unless specifically authorized by this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

A.1. Interim Limits for Discharge to Joint Drain 33.4 (Outfall # 001)

Beginning on **September 1, 2005** and lasting through **May 31, 2010**, the Permittee is authorized to discharge evaporator water, whey reverse osmosis water, and non-contact cooling water at the permitted location subject to the following limitations:

INTERIM EFFLUENT LIMITATIONS: OUTFALL # 001		
Parameter	Average Monthly ^a	Maximum Daily ^b
Flow	250,000 gallons per day	550,000 gallons per day
	Maximum Daily	
Temperature	26.1 °C	
pH	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9 ^c	
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.		
^c Indicates the range of permitted values. When pH is continuously monitored, excursions between 5.0 and 6.0, or 9.0 and 10.0 shall not be considered violations provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 30 minutes per month. Any excursions below 5.0 and above 10.0 are violations. The instantaneous maximum and minimum pH shall be reported monthly.		

A.2. Final Limits for Discharge to Joint Drain 33.4 (Outfall # 001)

Beginning on **May 31, 2010** and lasting through **August 31, 2010**, the Permittee is authorized to discharge evaporator water, whey reverse osmosis water, and non-contact cooling water at the permitted location subject to the following limitations:

FINAL EFFLUENT LIMITATIONS: OUTFALL # 001		
Parameter	Average Monthly ^a	Maximum Daily ^b
Flow	250,000 gallons per day	550,000 gallons per day
	Maximum Daily	
Temperature	18.3 °C	
pH	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9 ^c	
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.		
^c Indicates the range of permitted values. When pH is continuously monitored, excursions between 5.0 and 6.0, or 9.0 and 10.0 shall not be considered violations provided no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 30 minutes per month. Any excursions below 5.0 and above 10.0 are violations. The instantaneous maximum and minimum pH shall be reported monthly.		

B. Discharge to Industrial Wastewater Treatment Facility (Outfall # 002)

During the period beginning on **September 1, 2005** and lasting through **August 31, 2010**, the Permittee is authorized to discharge process wastewater and product authorized and approved by the Port of Sunnyside to the Port of Sunnyside's Industrial Wastewater Treatment Facility (IWWTF) subject to the following limitations:

pH: not outside the range of 5.0 to 12.45

The discharge from this facility is subject to allocations established by contract negotiated between the facility and the Port of Sunnyside. The effluent allocations in the contract constitute the enforceable limits of this permit. Those limits are contained in Appendix A of the O&M Manual. This permit anticipates that the facility and the Port of Sunnyside will renegotiate the contract during the course of this permit.

Upon establishment of a new contract, the facility shall immediately submit the contract to the Department for approval. Upon approval, the contract will be incorporated into

the O&M Manual as an amendment to Appendix A and the limitations established in the new contract will become the enforceable limits of this permit.

C. Discharge to Outfall # 003

All discharges of wastewater and/or process water which are not routed to Outfall 001 or Outfall 002 shall be designated as Outfall 003 and accounted for in the Operations and Maintenance Manual's Appendix B and in the Discharge Monitoring Reports.

On or before **December 1, 2005** the Permittee shall provide to the Department an accounting of the disposal location(s) and the volume of the discharge not routed to Outfall 001 and Outfall 002. The Permittee shall disclose this location(s) in Appendix B of the O&M Manual. The Department anticipates that West Farm Foods may change disposal locations at some point during the life of the proposed permit. In the event the Permittee wishes to modify the discharge location, or utilization of these wastestreams, the Permittee shall submit a revised Appendix B to the O&M Manual to the Department for review and approval at least 60-days prior to the proposed change date. At that time, the Department will determine the necessity of an Engineering Report. The terms and conditions given in Appendix B shall be the applicable limits for this discharge.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

1. Outfall # 001 Interim Monitoring

From **September 1, 2005** until **March 1, 2006** the Permittee shall monitor effluent to Outfall # 001 in accordance with the following schedule:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Flow	Gallons per Day	Pipe into or out of Sump Vault ^a	Daily	Calculation
Temperature	°C	Sump Vault	1/week ^b	Grab ^c
5-day Biochemical Oxygen Demand (BOD ₅)	mg/L	Sump Vault	1/week	Grab
BOD ₅	lbs/day	Sump Vault	1/week	Calculation
Ammonia, Total, as N	mg/L	Sump Vault	1/week	Grab
Ammonia, Total, as N	lbs/day	Sump Vault	1/week	Calculation
Total Nitrogen	mg/L	Sump Vault	1/week	Grab
Total Nitrogen	lbs/day	Sump Vault	1/week	Calculation
Total Phosphorus	mg/L	Sump Vault	1/week	Grab
Total Phosphorus	lbs/day	Sump Vault	1/week	Calculation
Chloride	mg/L	Sump Vault	1/week	Grab
Chloride	lbs/day	Sump Vault	1/week	Calculation
Dissolved Oxygen	mg/L	Sump Vault	1/week	Grab
pH	Standard Units	Sump Vault	1/week	Grab
Alkalinity	mg/L as CaCO ₃	Sump Vault	1/month	Grab
^a Sump vault located adjacent to cooling tower				
^b -"1/week" means one time during each calendar week and on a rotational basis throughout the days of the week, except weekends and holidays.				
^c -"Grab" means an individual sample collected over a 15 minute period, or less.				

2. Outfall # 001 Final Monitoring

Beginning on **March 1, 2006** the Permittee shall monitor effluent to Outfall # 001 in accordance with the following schedule:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Flow	Gallons per Day	Pipe into or out of Sump Vault ^a	Continuous ^b	Flow Meter ^c
Average Daily Temperature ^d	°C	Sump Vault	Continuous	Thermo-datalogger or recorder ^c
Maximum Daily Temperature	°C	Sump Vault	Continuous	Thermo-datalogger or recorder ^c
Daily Maximum pH	Standard Units	Sump Vault	Continuous	Recording ^c
Daily Minimum pH	Standard Units	Sump Vault	Continuous	Recording ^c
pH excursions between 5.0 and 6.0	Minutes	Sump Vault	Monthly	Calculation
pH excursions between 9.0 and 10.0	Minutes	Sump Vault	Monthly	Calculation
Instantaneous pH excursions less than 5.0	Number	Sump Vault	Monthly	Calculation
Instantaneous pH excursions greater than 11.0	Number	Sump Vault	Monthly	Calculation
Dissolved Oxygen	mg/L	Sump Vault	1/week ^e	Grab ^f
BOD ₅	mg/L	Sump Vault	1/week	24-hour composite ^g
BOD ₅	lbs/day	Sump Vault	1/week	Calculation
Ammonia, Total, as N	mg/L	Sump Vault	1/week	24-hour composite
Ammonia, Total, as N	lbs/day	Sump Vault	1/week	Calculation
Total Nitrogen	mg/L	Sump Vault	1/week	24-hour composite
Total Nitrogen	lbs/day	Sump Vault	1/week	Calculation
Total Phosphorus	mg/L	Sump Vault	1/week	24-hour composite
Total Phosphorus	lbs/day	Sump Vault	1/week	Calculation

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Chloride	mg/L	Sump Vault	1/week	24-hour composite
Chloride	lbs/day	Sump Vault	1/week	Calculation
Alkalinity	mg/L as CaCO ₃	Sump Vault	1/month ^h	Grab
Turbidity	NTU ⁱ	Sump Vault	1/week	Grab
Receiving Water Monitoring				
Turbidity	NTU	Receiving Water _j	1/week	Grab
^a Sump vault located adjacent to cooling tower				
^b "Continuous" means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken DAILY when continuous monitoring is not possible.				
^c Metered sampling for flow, Thermo Datalogger (or recorder) sampling for temperature, and continuous pH Meter.				
^d To determine the daily average, use the temperature on the hour from the chart for the 24 hour period and calculate the average of the values. [or as determined by instrumentation]				
^e -"1/week" means one time during each calendar week and on a rotational basis throughout the days of the week, except weekends and holidays.				
^f -"Grab" means an individual sample collected over a 15 minute period, or less.				
^g 24-hour composite samples shall be collected on days when an actual discharge is occurring into Outfall #001				
^h -"1/month" means once per calendar month. Samples shall not be taken during the same week nor during consecutive weeks.				
ⁱ NTU means Nephelometric Turbidity Units.				
^j Samples shall be obtained concurrently with the sampling of NTU at the sump vault, at a location immediately upstream, or a location reasonably accessible upstream, of the discharge location.				

3. Outfall #002

Beginning on **September 1, 2005** the Permittee shall monitor effluent to Outfall # 002 in accordance with the following table:

Parameter	Units	Sample Point	Sample Type
Flow	GPD	Outfall Weir	Flow Meter
BOD ₅	mg/L	Outfall Weir	Composite
BOD ₅	lbs/day	Outfall Weir	Calculation
TKN	mg/L	Outfall Weir	Composite
TKN	lbs/day	Outfall Weir	Calculation
FDS	mg/L	Outfall Weir	Composite
FDS	lbs/day	Outfall Weir	Calculation
pH	Standard Units	Outfall Weir	Grab

In accordance with Special Condition S3.A of this permit, the Permittee shall report all monitoring results of this discharge in its monthly DMR's.

4. Outfall #003

The Permittee shall monitor effluent to Outfall # 003 in accordance with the schedule, terms, and conditions set forth in Appendix B of the O&M Manual and following table:

Parameter	Units	Sample Point	Sample Frequency	Sample Type
Flow	GPD	Truck Weight Scale	Daily - Each Truck Load	Load Weight Calculation

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA),

unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations. Calibration records shall be maintained for at least 3 years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

E. Request for Reduction of Monitoring

The Permittee may request a reduction of the sampling frequency after 12 months of monitoring. The request shall: (1) be in written form, (2) clearly state the parameters for which the reduction in monitoring is being requested, and (3) clearly state the justification for the reduction. Any request for reduction in monitoring shall be granted at the Department of Ecology's (Department) discretion and accomplished through an Administrative Order or permit modification.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **September 1, 2005**. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form

provided, or otherwise approved, by the Department. DMR forms shall be received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to:

Permit Data Systems Manager
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of 3 years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S2. of this permit, then the results

of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within 30 days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within 30 days (five days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit shall be kept at the facility and be made available to Ecology upon request.

S4. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance (O&M) also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. O&M Manual

An updated Operation and Maintenance (O&M) Manual shall be submitted to the Department for approval by **March 1, 2006**. It shall conform to the requirements of WAC 173-240-150.

The O&M Manual shall be reviewed by the Permittee annually. The Permittee shall submit a letter annually indicating that the O&M Manual has been reviewed. All manual changes or updates shall be submitted to the Department whenever they are to be incorporated into the manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;
2. Plant maintenance procedures that result in generation of wastewater;
3. O&M of equipment, and sampling and analytical procedures used to verify compliance with the requirements of this permit;
4. Best Management Practices that reduce wastewater flow volumes and/or pollutant loadings.

B. O&M Manual Appendices

1. An Appendix A, containing the current User Contract and Schedule A, detailing the Permittee's hydraulic, organic loading, and inorganic loading allocations to the Port of Sunnyside's IWWTF for the effluent discharged through Outfall 002. As the contract and/or Schedule A with the Port of Sunnyside is modified, a revised Appendix A shall be immediately submitted to the Department for approval.
2. An Appendix B containing the location and volumes of all discharges of wastewater or liquid product to surface water or groundwater, not routed through Outfall 001 or Outfall 002. Appendix B shall also account for all discharges of wastewater or liquid product that have the potential to enter surface water or groundwater, not routed through Outfall 001 or Outfall 002. This (these) discharge(s) shall be designated as Outfall 003. The volume of the discharge shall be monitored (S2.A.4) and reported in the monthly DMR (S3.A).

All terms, conditions, contracts, and/or permits concerning the disposal of this discharge shall also be accounted for and a copy of the same included in the

Appendix B. The Department anticipates that West Farm Foods may change disposal locations at some point during the life of the proposed permit. At least 60 days prior to changing the location and/or disposition of this discharge a revised Appendix B shall be sent to the Department for review and approval.

Appendix B shall be submitted to the Department for approval **December 1, 2005**; and,

3. An Appendix C containing the Spill and Slug Discharge Prevention and Control Plan. Appendix C shall be submitted to the Department for approval **March 1, 2006**.

The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter to the Department by February 15 of each year. Substantial changes or updates to the O&M Manual and O&M Manual Appendices shall be submitted to the Department for review and approval prior to being incorporated into the manual.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility. All appropriate staff are responsible for being familiar with, and using this manual.

C. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least 10 days before the date of the bypass.

2. Bypass which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
 - c. The Department is properly notified of the bypass as required in condition S3E. of this permit.
3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.

D. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into State ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter State waters without providing all known, available and reasonable methods of prevention, control and treatment (AKART), nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to State ground or surface waters.

S6. COMPLIANCE SCHEDULE

The goal of the Compliance Schedule is for the Permittee to be in compliance with the State's Water Quality Standards and federal pretreatment regulations no later than **May 31, 2010**.

The Engineering Report shall develop a plan for all known, available, reasonable, methods of prevention, control, and treatment (AKART) for the facility's wastewater discharges through Outfall #001 and Outfall #002.

No later than **May 31, 2010**, the Permittee shall implement the recommendations of the engineering report.

A. Scope of Work for Engineering Report

No later than **March 1, 2006** the Permittee shall submit a scope of work for the Engineering Report to the Department for review and approval. The Scope of Work shall contain considerations for pollution prevention measures and best management practices for pollution reduction for the effluents discharged through Outfall #001 and Outfall #002.

In the event a continued surface water discharge is an identified alternative, the Permittee shall conduct a Receiving Water Study. Prior to conducting the Receiving Water Study, a Sampling and Analysis Plan shall be submitted to the Department for review and approval. The Sampling and Analysis Plan shall be conducted in accordance with *Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies*, 2004, Ecology Publ. No. 04-03-030.

B. Draft Engineering Report

The Permittee shall submit a draft Engineering Report to the Department by **March 1, 2008**.

C. Final Engineering Report

The Permittee shall submit a final Engineering Report for review and approval to the Department **September 1, 2008**.

Engineering documents submitted by the Permittee shall be written in accordance with the requirements of Chapter 173-240 WAC, especially subsections -130 and -140 of this regulation.

D. Engineering Plans and Specifications

If the final engineering report recommends construction of treatment facilities or wastewater infrastructure, the Permittee shall provide to the Department two sets of engineering design plans and specifications for the construction of wastewater treatment facilities based on the Engineering Report no later than **May 1, 2009**.

E. Implementation Notification

The Permittee shall provide to the Department written notification that the recommendations of the engineering report have been implemented no later than **May 31, 2010**.

S7. SPILL AND SLUG DISCHARGE PREVENTION AND CONTROL PLAN

The Permittee shall by **March 1, 2006** submit to the Department a Spill and Slug Discharge Prevention and Control Plan for the prevention, containment, and control of spills or unplanned releases. The Permittee shall review and update the plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The Spill and Slug Discharge Prevention and Control Plan shall include the following:

1. A description of a reporting system to be used to immediately notify facility management, the POTW operator, and appropriate State, Federal, and local authorities of any spills or slug discharges, and provisions to provide a written follow-up report within five days;
2. A description of operator training, equipment, and facilities (including overall facility plan) for preventing, containing, or treating spills or slug discharges;
3. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material; and a map showing where they are located.
4. A description of discharge practices for batch and continuous processes under normal and non-routine circumstances;
5. A brief description of any unauthorized discharges which occurred during the 36-month period preceding the effective date of this permit and subsequent measures taken by Permittee to prevent or to reduce the possibility of further unauthorized discharges; and

6. An implementation schedule including additional operator training and procurement and installation of equipment or facilities required to properly implement the plan.

Plans and manuals required by 40 CFR Part 112, contingency plans required by chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

The current approved plan shall be maintained on the plant site and be readily available to facility personnel. The Permittee shall submit an update of the Spill and Slug Discharge Prevention and Control Plan, or a certification that it is current with the application for permit renewal.

GENERAL CONDITIONS

G1. SIGNATURE AUTHORIZATION/DELEGATION

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
1. A material change in the condition of the waters of the State.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 1 year prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new

Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to State waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in Special Condition S3.E; and 4) the Permittee complied with any remedial measures required under Special Condition S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.